

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TELLY ROYSTER,

Plaintiff,

v.

DEBRA MAHLMEISTER, *et al.*,

Defendants.

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CIVIL NO. 3:CV-08-0616

(Judge Caputo)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff Telly Royster, an inmate currently confined at the Huntingdon State Correctional Institution ("SCI-Huntingdon") in Huntingdon, Pennsylvania, commenced this *pro se* action by filing a Complaint (Doc. 1) pursuant to the provisions of 42 U.S.C. § 1983.

Plaintiff's Complaint was not in compliance with the Federal Rules of Civil Procedure, and therefore, by Order dated May 9, 2008, the Court gave Plaintiff an opportunity to file an amended complaint within twenty (20) days. (Doc. 10.) On May 29, 2008, Plaintiff filed a Motion for appointment of counsel and for an extension of time to file his amended complaint. (Doc. 11.) By Order dated June 9, 2008, the Court denied the Motion for appointment of counsel, but granted a twenty-day extension of time to file an amended complaint. (Doc. 13.)

On June 18, 2008, Plaintiff filed a Motion requesting a copy of his Complaint and a sixty-day extension of time to file an amended complaint. (Doc. 14.) A copy of the Complaint was mailed to Plaintiff on that same date. By Order dated June 19, 2008, the Court granted Plaintiff a thirty-day extension to file an amended complaint. (Doc. 15.)

Presently before the Court are Plaintiff's Motions for an extension of time (Doc. 16) and for appointment of counsel (Doc. 17).¹ Plaintiff already has been granted several extensions of time. He does not provide any legitimate reasons in his Motion to support granting a further extension. He claims that his request for pages from a law book in the law library was denied. But, he attaches a copy of the request he submitted for sections of books and DOC policies that was denied because he submitted the request on the wrong form. (See Doc. 16 at 2.) The response also explained that Plaintiff could obtain copies of pages from books at the rate of \$.10 per page. (See *id.*) Plaintiff made his request on July 8, 2008, and the response was provided on July 9, 2008. (See *id.*) Thus, Plaintiff has had ample time to use the proper form to request the material he needs in order to prepare his amended complaint.

With regard to his Motion for appointment of counsel, Plaintiff has failed to present sufficient additional reasons for this Court to reconsider its previous decision not to appoint counsel. (See Doc. 13.) Plaintiff attaches a copy of a letter he received from the Pennsylvania Department of Corrections ("DOC") Central Region Paralegal explaining that regional paralegals and legal assistants provide assistance to inmates who are legitimately illiterate, not proficient in English, or who have a disability that substantially interferes with their ability to use and understand legal materials. (See Doc. 16 at 3.) The letter states that, upon review of his case, Plaintiff's request for a paralegal was denied because he does not meet the eligibility requirements to obtain assistance. (See *id.*) If anything, the

1. Plaintiff made his requests in one document that was docketed twice to indicate that he is making two separate motions.

fact that Plaintiff has been denied the assistance of a paralegal supports the Court's previous conclusion that Plaintiff has failed at this early stage to demonstrate an inability to present his own case. (See Doc. 13 at 3.)

Because Plaintiff has not provided any compelling reasons to grant an additional extension of time to file his amended complaint or to reconsider the decision not to appoint counsel, the Motions will be denied.

NOW, THEREFORE, THIS 24th DAY OF JULY, 2008, IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff's Motion for an extension of time (Doc. 16) is **DENIED**.
2. Plaintiff's Motion for appointment of counsel (Doc. 17) is **DENIED**.
3. Plaintiff may file an amended complaint in accordance with the Federal Rules of Civil Procedure on or before July 29, 2008.
4. Plaintiff is forewarned that, if he fails to file an appropriate amended complaint by July 29, 2008, this case will be closed.



A. RICHARD CAPUTO
United States District Judge